

SENATE CHAMBER,  
AUSTIN, TEXAS, Tuesday, April 25, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—Senators Hall, Mills, Parsons, Pickett, Pyle, Pridgen.

Absent—excused—Senators Evans and Flanagan.

Prayer by the Chaplain.

Senator Parsons requested that the journal of yesterday be corrected as follows: In the report of the Committee on Internal Improvements on Senate bill No. 350, insert the words "amend by striking out section twenty-three," before the words "amend by adding the following additional sections."

Journal corrected as requested and, on motion of Senator Gaines, the reading of the journal of yesterday was dispensed with.

#### BILLS AND RESOLUTIONS.

By Senator Baker, a bill, (Senate bill No. 379) to be entitled "An act to incorporate the Texas Homestead and Immigration Company." Read first time and referred to the Committee on Immigration.

#### BILLS ON THIRD READING.

House bill No. 269, "An act for the protection of poor persons in cases of appeal in civil suits." Read third time and, on motion of Senator Gaines, passed, and returned to the House.

#### BILLS ON SECOND READING.

Substitute Senate joint resolution No. 20, "Joint resolution authorizing the sale of the Houston Tap and Brazoria Railway." Read second time and, on motion of Senator Ruby, referred to the Committee on Judiciary.

Senate bill No. 134, "An act to amend the fourth section of 'an act to reduce into one, and amend the several acts concerning executions,' approved January 27, 1842." Read second time.

On motion of Senator Pridgen, the report of the Judiciary Committee, recommending that the bill do not pass, was adopted.

On motion of Senator Fountain, Senate bill No. 134 was indefinitely postponed.

Senate bill No. 342, "An act to incorporate the Texas Mercantile Association." Read second time.

On motion of Senator Ruby, the following amendments, reported by the Committee on State Affairs, were adopted: amendments to Senate bill No. 342: amend section one, line two, by striking out the words "in general assembly;" and section one, line ten, by striking out the word "perpetual."

Senate bill No. 342, ordered engrossed, and passed to a third reading, as amended.

On motion of Senator Ruby, the rules were further suspended and Senate bill No. 342 read third time and passed.

Senate bill No. 76, "An act to incorporate the Austin Gas Light Company." Read second time.

On motion of Senator Pyle, the following amendments, reported by the Committee on State Affairs, were adopted: amend section one, line twelve, strike out the word "perpetual;" in the same section, line thirty-two, strike out all after the word "business" down to and including the word "corporation" in line thirty-eight; amend section three, line seven, strike out the word "contribute" and insert the word "constitute;" amend section seven, lines two and three, strike out the following: "considered perpetual property, and shall be."

10:30 O'CLOCK A. M.

The hour for consideration of special order having arrived, substitute for Senate bill No. 290, "An act to amend an act approved August 13, 1870, entitled 'an act supplementary to an act to incorporate the Victoria and Columbia Railroad Company,' approved November 13, 1866."

On motion of Senator Mills, the special order was postponed until the matter under consideration be disposed of.

On motion of Senator Pyle, the vote postponing special order was reconsidered.

Consideration of special order, substitute Senate bill No. 290, resumed.

Senator Pridgen offered the following amendment, which was adopted: amend section four, by adding after the words "Rio Grande," in last line, the words "from San Antonio."

On motion of Senator Pridgen, substitute Senate bill No. 290 ordered engrossed and passed to a third reading.

#### BILLS ON SECOND READING—Resumed.

Senate bill No. 171, "An act to incorporate the Victoria Fire Company No. 1." Read second time.

On motion of Senator Pridgen, the following amendments reported by Committee on State Affairs were adopted: amend section

two, line nine, strike out all after the word "company" down to and including the word "taxation," in line twelve; amend section four, line seven, strike out all of said section after the word "militia," and insert the following, to-wit: "except in time of actual insurrection, rebellion or war, and shall also be exempt from serving on juries, except in capital cases;" amend by prefixing to section five the following: "That the engine, machinery and all implements actually used for the extinguishing of fires, together with a building for housing the same, shall be exempt from all taxation, and—."

On motion of Senator Pridgen, Senate bill No. 171 ordered engrossed and passed to a third reading.

Senate bill No. 139, "An act to incorporate the Lavaca and Navidad Rivers, Navigation and Dredging Company." Read second time, ordered engrossed and passed to a third reading.

Senator Ruby submitted the following report of Committee on Engrossed Bills:

COMMITTEE ROOM,  
AUSTIN, April 25, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and compared Senate bills No. 253, "An act to incorporate the Stock Traders' Bank," and No. 221, "An act to enforce compliance by public carriers with the provisions of section twenty-one, article one, of the Constitution," find the same correctly engrossed.

G. T. RUBY,  
P. W. HALL,  
E. L. DOHONEY.

Report read and received.

Senator Pridgen submitted the following report of Committee on Enrolled Bills:

COMMITTEE ROOM,  
AUSTIN, April 25, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have carefully examined and find correctly enrolled the following Senate bills, viz: No. 157, entitled "An act to incorporate the Dallas Gas Company;" No. 230, entitled "An act to incorporate the officers and members of the Grapevine Lodge No. 288, Free and Accepted Masons;" No. 368, entitled "An act amendatory of and supplemental to 'an act to give effect to the several provisions of the Constitution concerning taxes,'" No. 341, entitled "An act authorizing and requiring the

sheriffs of the several counties in this State to pay certain claims," and No. 51, entitled "An act amendatory of article 263 of the Code of Criminal Procedure," and to-day presented them to the Governor for his approval.

B. J. PRIDGEN,  
Chairman.

Report read and received.

Under direction of the President, the Secretary carried to the House for concurrence the following Senate bills:

Senate bill No. 259, "An act to incorporate the Lebanon High School, in Collin county, Texas."

Senate bill No. 371, "An act to incorporate the Parker county Agricultural and Mechanical Association."

Also, informing the House the Senate had passed the following House bills:

House bill No. 135, "An act to incorporate the town of Linden, Davis county."

House bill No. 399, "An act to incorporate the town of Waxahachie, in Ellis county," with amendments.

House bill No. 435, "An act to incorporate the city of Huntsville, in Walker county, Texas," with amendments.

Also, returning House bill No. 6, "An act to incorporate the town of Fairfield, in Freestone county," informing the House the Senate recedes from their amendments thereto.

Also, for signature of the Speaker the following enrolled bill:

Senate bill No. 368, "An act amendatory of and supplemental to 'an act to give effect to the several provisions of the Constitution concerning taxes.'"

Senate bill No. 341, "An act authorizing and requiring the sheriffs of the several counties in this State to pay certain claims."

Senate bill No. 51, "An act entitled 'an act amendatory of article 263 of the Code of Criminal Procedure.'"

Enrolled bills signed by the Speaker, returned to the Senate and signed by the President.

## MESSAGE.

Message from the House by Chief Clerk, returning the following Senate bills informing the Senate the House had passed the same:

Senate bill No. 137, "An act to incorporate the Sabine and Neches Mutual Insurance Company."

Senate bill No. 138, "An act to incorporate the Bank of Sabine Pass."

Senate bill No. 270, "An act making an appropriation for the

purpose of having certain general indexes in the General Land Office copied."

Also, transmitting for concurrence House bill No. 600, "An act to incorporate the Drayman's Club of Houston, Texas."

House bill No. 601, "An act to authorize the county court of Ellis county to issue compound interest bearing bonds to aid in the construction of a court house and jail in said county."

House bill No. 602, "An act authorizing the appointment of sheriffs and clerks, *pro tem* in certain cases."

House bill No. 603, "An act to amend section twenty-nine of an act entitled 'an act to incorporate the city of Dallas,' in Dallas county."

House bill No. 611, "An act to authorize the Governor to receive from the Treasurer of the United States the money due the State of Texas from the United States."

Also, informing the Senate the House, on reconsideration, has disagreed to the Senate amendment to House bill No. 14, to be entitled "An act to incorporate the Casino Society of Victoria," and has appointed as Committee of Free Conference Messrs. Franks, Grothaus and McLean.

Also, returning to the Senate, Senate bill No. 9, "An act authorizing the county courts to sell the school lands situated in their respective counties," with amendments.

House amendments to Senate bill No. 9: Strike out of section three the words "for cash or," in line two; strike out of section three the words "to be made upon a credit of not less than five nor more than ten years, with interest payable annually, at the the rate of eight per cent. per annum; *provided*," in lines eleven, twelve, thirteen, fourteen and fifteen, and inserting in lieu thereof the words "shall be made upon a credit of five years, and the purchaser thereof shall execute his promissory note, as hereinafter provided, for the full amount of said sale, which shall bear interest at the rate of eight per centum per annum, and the interest thereon shall be paid annually; *provided*, that the purchaser may, at any time before the expiration of the five years, have the privilege of paying up the principal and interest of said note, in which case he shall be entitled to his deed for the same; *and provided further*."

Amend section one by inserting after the word "counties," in line seven, the following: "to persons only who intend to and shall become actual settlers thereon within three years from the date of sale."

Amend section one by adding the following proviso: "*provided*, the said auctioneer shall not be paid more than ten dollars per day during the sales of such lands."

Amend section two by striking out of lines two and three the following: "or so much thereof as it may be deemed advisable to sell."

Add to amendment No. 4: "*Provided*, that no higher price shall be paid to any newspaper than is established by law for printing official advertisements."

Amend section four by striking out of line three the words "one hundred and sixty acres" and inserting in lieu thereof the words "eighty acres."

Amend section three by adding the following: "*and provided further*, that in the sales of school lands, as provided for in this act, the county courts shall not sell said lands in excess of one-fourth of the entire amount of school lands situated in their respective counties, or within their jurisdiction, within twelve (12) months after the passage of this act, and shall not sell more than one-third of the said lands remaining after the first sale within twenty-four months after the passage of this act, and shall not sell more than one-half of the said lands remaining after the second sale within thirty-six (36) months after the passage of this act, and the entire amount of the lands remaining after the third sale shall not be sold within less than forty-eight (48) months after the passage of this act." Strike out of lines ten and eleven, section three, the words "one or more newspapers of general circulation," and insert in lieu thereof the following: "all the newspapers published in the county wherein said land is situated, and if there be no newspaper published in such county, then the sale shall be advertised in the official newspaper of the district in which said land is situated."

Amend section one by adding the following: "*provided*, that the county court shall have power to designate such tracts of land situated in their respective counties which shall exclusively be sold to actual settlers, and may designate such lands which, in the opinion of the court, are not proper tracts for actual settlement, to be sold unconditionally."

Also, transmitting for signature of the President of the Senate the following enrolled House bills:

House bill No. 432, "An act to amend sections one and four of 'an act to define, establish and mark the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces,' passed July 26, 1870."

House bill No. 434 "An act for the relief of S. B. Reid."

House bill No. 198, "An act appropriating money for furnishing the Comptroller's building."

House bill No. 378, "An act to incorporate the city of Waco."

House bill No. 469, "An act to incorporate the Galveston Hibernian Society."

House bill No. 494, "An act to incorporate the Galveston Bank and Trust Company."

House bill No. 264, "An act to amend an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870."

House bill No. 25, "An act to incorporate the Gymnastic Association at New Braunfels under the name and style of Turnverine New Braunfels."

Enrolled bills signed by the President and returned to the House:

On motion of Senator Mills, the rules were suspended to take from file House bill No. 260, "An act amendatory of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State," approved August 10, 1870. Read second time and passed to a third reading.

On motion of Senator Mills, the rules were further suspended and House bill No. 260 read third time and passed.

11 o'clock A. M.

The hour for consideration of special order, House bill No. 215, "An act to provide for the payment of the public debt of the State of Texas." Read second time.

Senator Pickett in the chair, pending consideration, a special message from the Governor by his private secretary was announced, as follows:

GOVERNOR'S OFFICE,  
AUSTIN, April 25, 1871.

Hon. DON CAMPBELL,

President of the Senate:

In reply to the inquiry of the Honorable Senate made in their resolution adopted on the 20th inst., I have to state.

That none of the bonds for frontier defense have, up to the latest date from the State agent in New York, been sold; and properly, I may also say, that none of them have been hypothecated. In February last I arranged with Mr. Marshall O. Roberts, of New York, to pay my drafts to the amount of \$95,794. This amount in the way of cash or supplies, having been previously procured from Messrs. Geo. W. Brackenridge, (for Rhodius & Co.,) Raymond & Whitis, and others, on a sort of personal pledge of the Adjutant General and myself. The cash and supplies being absolutely necessary to arm and keep the force in the field, and to pay off such of the frontier force as I had found it necessary to discharge. The particulars relating to this sum of money and its disposition will appear by reference to accompanying copy of my letter of February 9, to

Mr. Roberts, and the exhibit marked A, from the Adjutant General's office. When I made these drafts on Mr. Roberts, it was arranged between the Adjutant General and the Comptroller, that these amounts should be settled by draft in New York, to save delay and expense in bringing here the cash. As will be seen, however, the money had practically been expended in settlement of claims arising out of the frontier defence, before I received permission to draw on Mr. Roberts.

My arrangement with this gentleman binds me to give him seven per cent, per annum, (currency) for the above amount until I return it to him, and the Farmer's Loan and Trust Company of New York (the agent for the sale of our bonds) holds \$125,000 of the bonds as security for Mr. Roberts. Mr. Roberts desires me to return him this advance, and I expect to do so out of the first bonds sold. In addition to this sum there is another of \$63,750 due the Winchester Repeating Arms Company, of New Haven, Connecticut, for the arms and ammunition for this force. This claim, according to my engagement, should long since have been paid, and is entitled to preferment.

In conclusion, I will state that I do not despair of success in disposing of these bonds at a fair rate. It is only very recently (about a month since) that they have fairly been placed on the market. They are in very safe and responsible hands (the Farmer's Loan and Trust Company, 26 Exchange Place, New York) and I anticipate a favorable report. The terms of this engagement with me will appear from their letter dated January 21st, last, of which a copy is appended.

I have received offers at eighty cents, but have limited the Farmer's Loan and Trust Company in the sale of these bonds to not less than ninety cents, exclusive of accrued interest, and expect to get at least that much or not part with them at all.

Very respectfully,

EDMUND J. DAVIS,  
Governor.

[COPY.]

GOVERNOR'S OFFICE,  
AUSTIN, February 9, 1871.

MARSHALL O. ROBERTS, Esq., New York City, N. Y.:

SIR: The following drafts have this day been drawn upon you, at five days' sight:



|   |                 |
|---|-----------------|
| 1. Favor of Raymond & Whitis, Austin, Texas, .....                  | \$14,965        |
| 2. Favor of Rhodius & Co., San Antonio, Texas .....                 | 34,771          |
| 3. Favor of Jordan, Clark & Co., Boston, Mass. ....                 | 1,600           |
| 4. Favor of Ambler & Mason, Galveston, Texas. ....                  | 3,333           |
| 5. Favor of Col. James Davidson, Adjutant General of<br>Texas ..... | 39,000          |
| 6. Favor of Col. James Davidson, Adjutant General of<br>Texas ..... | 2,125           |
| Total .....   | <u>\$95,794</u> |

Ninety-five thousand seven hundred and ninety-four dollars.

Draft No. 1 will be presented on the twenty-fourth day of February, 1871, and the others at intervals after that date.

Please honor the drafts and charge the amount to the State of Texas.

I am, sir, very respectfully,

Your obedient servant,

EDMUND J. DAVIS,

Governor of Texas.

{COPY.}

NEW YORK, February 23, 1871.

His Excellency E. J. DAVIS, Austin, Texas.

MY DEAR SIR: I telegraphed you this morning that I had paid your drafts for \$95,000 out of my own personal security, and requested you in case you required more to either come on yourself or to send some properly accredited persons to go carefully into the market to effect the loan, as it would not be convenient for me to advance more at a moment when I am so largely committed to enterprises in this State, which must be regarded by yourself and others as of paramount importance to all others. I now beg leave to press these considerations upon you most earnestly, and at the same time to request you to bear in mind that the State of Texas has not yet had the opportunity to establish her credit at the moneyed centers, as to compete with other borrowers with equal success.

Texas is, however, rapidly taking this position; public attention is being more and more favorably arrested to her power and claims, and I distinctly see that a properly accredited commission (yourself personally) can so present your claims as to make arrangements such as your necessities require.

You can depend on my earnest co-operation and the co-operation of my friends, to aid your representatives to effect your purposes;

but I feel it to be most important that you should invest the negotiation with the dignity of a regular commission, fully authorized to act for the State authorities, and they should be such men as will command the public confidence by their recognized ability to present the power and resources of your great State in the most favorable point of view.

I have the honor to be,

Very respectfully your obedient servant,

MARSHALL O. ROBERTS.

OFFICE OF THE FARMER'S LOAN AND TRUST COMPANY,  
26 Exchange Place, corner William street,  
NEW YORK, January 21, 1871.

Hon. J. P. NEWCOMB, Secretary of State, Austin, Texas :

DEAR SIR: This company will act as the financial agent of your State, receiving such deposits of money as may be made, and allowing interest thereon at the rate of four per cent. per annum. We will pay the coupons on the State bonds as they mature (funds being provided), at a charge of one quarter of one per cent. upon the amount paid. We will also charge upon all securities negotiated by us one per cent. upon the face amount negotiated.

Yours very truly,

R. G. ROLSTON, President.

## EXHIBIT "A."

*Statement of Disbursements by James Davidson, Adjutant General State of Texas, on account of Frontier Forces.*

| DEPART-<br>MENT. | TO WHOM PAID.            | ON WHAT AC-<br>COUNT.  | AMOUNT.  | AMOUNT.     | AMOUNT.     |
|------------------|--------------------------|--|----------|-------------|-------------|
| Pay .....        | Raymond & Whitis .....   | Services in frontier forces .....  |          | \$14,438 00 |             |
|                  | Raymond & Whitis .....   | Interest on above .....  |          | 527 00      |             |
|                  |                          |  |          |             | \$14,965 00 |
| Commis'y.        | Rhodus & Co.             | Rations and forage .....   |          |             | 34,771 00   |
| Ordinance.       | Jordan, Clark & Co. .... | Equipments .....   |          |             | 1,660 00    |
| Ordinance.       | Ambler & Mason .....     | Equipments .....   |          |             | 3,333 00    |
| Q. Master.       |                          | Pack saddles, mules, transportation of rations and stores, stationery and other supplies ..... |          |             | 12,690 29   |
| Ordinance..      |                          | Ordinance and ordn'ce stores .....   |          |             | 2,866 22    |
| Commis'y.        |                          | Rations and forage .....   |          |             | 3,716 13    |
| Medical...       |                          | Medical supplies .....   |          |             | 4,200 00    |
| Pay .....        | P. Stevens, State Agent. | Services .....   | \$384 00 |             |             |
|                  | Company A...             | Services .....   | 5,353 78 |             |             |
|                  | Company B...             | Services .....   | 691 65   |             |             |
|                  | Company C...             | Services .....   | 722 45   |             |             |
|                  | Company D...             | Services .....   | 2,480 87 |             |             |
|                  | Company E...             | Services .....   | 223 31   |             |             |
|                  | Company G...             | Services .....   | 379 98   |             |             |
|                  | Company H...             | Services .....   | 3,331 00 |             |             |
|                  | Company I...             | Services .....   | 7,213 00 |             |             |
|                  | Company K...             | Services .....   | 5,485 44 |             |             |
|                  | Company L...             | Services .....   | 187 98   |             |             |
|                  | Company O...             | Services .....   | 511 66   |             |             |
|                  | Company P...             | Services .....   | 4,839 94 |             |             |
|                  |                          |  |          | \$31,805 06 |             |
|                  |                          |  |          | 14,438 00   |             |
|                  |                          |  |          |             | 17,367 06   |
|                  |                          |  |          |             | \$95,569 70 |
|                  |                          |  |          |             | 225 30      |
|                  |                          |  |          |             | \$95,794 00 |

JAMES DAVIDSON,  
Adjutant General of Texas.

Message read and, on motion of Senator Bowers, it was received and ordered to be spread upon the journals of the Senate, together with the accompanying documents.

On motion of Senator Ruby, one hundred copies of the message, and documents accompanying the same, were ordered to be printed for the use of the Senate.

Consideration of special order, House bill No. 215, resumed.

On motion of Senator Pettit, the following amendment reported by the Committee on Public Debt was adopted: Amend section one, line six; after word "President" insert words "and legal adviser as to all matters coming before them."

Senator Pettit offered the following amendment as a substitute for the amendment offered by the committee to section one, line thirteen:

Section one, in lines fifteen and sixteen, strike out phrase "not void by the Constitution," and insert "valid claims against the State and where authorized by pre-existing law and are not inconsistent with the Constitution of the State." Adopted.

Senator Pettit offered the following amendments which were adopted:

Section one, in line nineteen, after word "currency," strike out phrase "*provided*, that where under the provisions of said act of November 9, 1866," and insert "and where."

Section one, in line thirty-second, strike out phrase "out of any moneys appropriated for that purpose," and insert "and for this purpose the sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated."

On motion of Senator Bowers, the following amendment reported by the Committee on Public Debt was adopted:

Section two, line fourteen, strike out phrase "one thousand" and insert "five hundred."

Senator Pettit offered the following amendment to section two, and moved its adoption:

Section two, in lines ten and eleven, strike out phrase "or sooner at the option of the government."

Yeas and nays called for and the amendment adopted by the following vote:

Yeas—Mr. President. Baker, Bowers, Broughton, Cole, Dohoney, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pettit, Pyle, Rawson, Shannon—18.

Nays—Bell, Douglass, Ford, Pickett, Ruby, Saylor, Tendick—7.

Special message from the Governor, by his private secretary, was announced, as follows:

GOVERNOR'S OFFICE,  
AUSTIN, April 24, 1870.

To the Honorable Senate and House of Representatives of Texas :

GENTLEMEN: I have approved the act entitled "An act to give effect to the several provisions of the Constitution concerning taxes," because in most respects it seems a great improvement on pre-existing laws relating to that subject, but I think it advisable to call to your attention certain features of the act which I think require correction.

Section seven, as corrected by your supplementary act, provides a tax of one per cent on gross receipts of railroads and telegraph companies within this State, as an occupation tax. Now this, I suggest, is a very light tax in comparison with the taxes put upon other occupations. It is true that the *ad valorem* tax which is also to be assessed upon the value of the property of such companies somewhat equalizes the tax as far as concerns the railway companies, because their taxable property bears some proportion to their receipts, but in the case of the telegraph the tax is very unequal.

The State alone has paid to the telegraph company operating in Texas, during the past year, an amount nearly thirty times greater than all taxes ever paid by the company. Their charges are exorbitant to the last degree, and though the company has no charter under this State, or any standing under our law, they assume all the privileges and immunities of a most favored company. As the law has heretofore existed, they have, while drawing a great revenue from our people, managed quite successfully to evade their just share of taxation. I therefore recommend that this act be amended so as to increase the occupation tax for telegraph companies, to at least five per cent. of their gross receipts, at the same time forbidding the company to add this tax to their tariff of charges.

I also call your attention to an omission in the sixth section, which provides an occupation tax for retail of liquors in quantities less than a quart, but omits to tax the person who sells by the quart or bottle, and who is to a considerable extent a retailer.

This occupation was taxed \$100 under the law of your last session, and previous laws on this subject. This omission should, I think, be corrected.

Very respectfully,

EDMUND J. DAVIS,  
Governor.

Message read, and on motion of Senator Ruby, was referred to Committee on Finance.

Consideration of special order, House bill No. 215 resumed.

Senator Pettit moved that the following amendment reported by

the Committee on Public Debt be rejected: Section three, line seven, after word "of" strike out phrase "at a greater discount than five per cent."

Yeas and nays called for and motion lost by the following vote:

Yeas — Baker, Dohoney, Douglass, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Pettit, Ruby, Shannon—12.

Nays—Mr. President, Bell, Bowers, Broughton, Cole, Latimer, Mills, Parsons, Pickett, Pyle, Rawson, Saylor, Tendrick—18.

12 o'clock, M.

Pending consideration, the hour arrived for special order, House bill No. 4, "An act to encourage stock raising and for the protection of stock raisers."

On motion of Senator Pettit, the consideration of special order was postponed until the matter pending be disposed of.

Consideration of House bill No. 215, resumed.

Senator Bowers moved that the following amendment of Committee on Public Debt be adopted: section three, line seven, after word "of" strike out phrase "at a greater discount than five per cent." Motion carried and amendment adopted.

Senator Pettit moved to strike out section five, and insert the following as a substitute therefor: "That all claims rejected by said board shall be reported to the Legislature at its next ensuing session, together with the reasons for such rejection." Motion carried and substitute adopted.

On motion of Senator Pettit, the following amendments reported by Committee on Public Debt were adopted: Section six, line seven, strike out "State Treasurer" and insert "Comptroller;" also, line ten, after word "States," insert "or in the bonds authorized by this act." also, line sixteen, strike out word "same" and insert "bonds herein authorized to be issued, and destroy the same in the presence of the Governor;" and the following amendment reported by the committee was rejected: "Also, line fourteen, after word "bonds" insert "of the United States."

Senator Pettit offered the following amendment, which was adopted: In section six, line four, after word "bonds," insert "and the bonds ascertained to be valid under the provisions of the first section of this act."

On motion of Senator Pettit, the following amendments reported by the Committee on Public Debt were adopted: Section seven, line first, after the word "thousand," insert "five hundred;" also, line four, after word "execution," insert "and the president of said board is authorized to appoint an auditing clerk to assist them in their labors, who shall be a good accountant, and whose duty it shall be to arrange and prepare these claims for the examination and ac-

tion of the board. The pay of this auditing clerk shall be seven dollars per diem for the time necessarily employed in this business, which compensation shall be paid him on the certificate of the president of the board."

On motion of Senator Bowers, House bill No. 215 passed to a third reading as amended. Read third time.

Senator Fountain moved that the rules be further suspended, and House bill No. 215 do now pass.

Yeas and nays taken, and bill passed by the following vote :

Yeas—Mr. President, Baker, Bell, Bowers, Cole, Dohoney, Douglass, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Parsons, Pettit, Pickett, Pyle, Rawson, Ruby, Saylor, Shannon, Tendick—23.

Nays—Broughton—1.

By leave, Senator Saylor introduced a bill (Senate bill No. 380) to be entitled "An act in relation to the Atchison, Topeka and Santa Fee Railroad Company, of Kansas." Read first time and referred to Committee on Internal Improvements.

By leave, Senator Hillebrand introduced a bill (Senate bill No. 381) to be entitled "An act to incorporate the Bastrop Ferry Company." Read first time and referred to Committee on Roads, Bridges and Ferries.

Postponed special order House bill No. 4, "An act to encourage stock raising and for the protection of stock raisers."

On motion of Senator Fountain, the following amendments reported by the Committee on Stock and Stock Raising were adopted :

Amend section seventeen, line eight, by striking out the words "and payable ;" also, line nine, by inserting after the word "act" the words "said fine to be paid into the county treasury ;" also, line eleven, by striking out all of said section after the word "hide," and inserting the following : "*provided*, that when the owner of said dead animal shall testify that the party accused under this section did have his consent to skin said animal, the court may then dismiss the suit."

Amend section eighteen, line two, by inserting after the word "brand" the words "or mark ;" also, line seven, by striking out the words "and payable ;" also, line eight, by inserting after the word "act" the words "said fine to be paid into the county treasury."

Amend section nineteen, line two, by striking out the words "the sum of twenty-five cents ;" also, line four, by striking out all of said section after the word "act" and inserting the words "the same fees that are allowed by law for similar services."

Amend section twenty, line sixteen, by striking out the words

"and payable;" also, line seventeen, by inserting after the word "act" the words "said fine to be paid into the county treasury."

Amend section twenty-four, line one, by striking out the word "attempting" and inserting the words "who have shipped or attempted;" also, line two, by inserting after the words "this State or" the words "driven or attempted;" also, lines five and six by striking out the words "the forfeiture of all such animals or hides" and inserting the words "a fine not less than twenty nor more than one hundred dollars for each animal so taken, driven or shipped;" also, line eight by striking out all of said section after the word "year," down to and including the word "act," in line thirty-six, and inserting the words "said suit may be prosecuted in any court in this State having jurisdiction of the same."

Senator Bowers offered the following amendments, which were adopted:

Section seventeen, strike out all after the word "treasury," in line eleven, down to and include the word "hide," in line thirteen.

Senator Fountain offered the following amendment which was adopted: section eighteen strike out all after the word treasury, line ten.

Senator Broughton offered the following amendment to the amendment to section twenty-five, reported by the committee: strike out the word "Grayson" in last line. Adopted.

Senator Bowers offered the following amendment as a substitute for the amendment to section twenty-five as amended: amend by striking out all after the word "river" in line four. Adopted.

Senator Ruby offered the following amendment to section twenty-five: Amend section twenty-five, line four, by adding after the word "river" the words "excepting the counties of Harris, Galveston and Colorado."

Senator Bowers moved to adjourn to 10 A. M. to-morrow.

Yeas and nays called for, and motion carried by the following vote:

Yeas—Mr. President, Baker, Bowers, Broughton, Cole, Dohoney, Ford, Hall, Hillebrand, Latimer, Mills, Parsons, Pickett, Pyle, Rawson, Shannon—16.

Nays—Bell, Douglass, Fountain, Hertzberg, Pettit, Pridgen, Ruby, Saylor, Tendick—9.

So the Senate, at 1 P. M., adjourned to 10 A. M. to-morrow.

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